IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

UN	IITED STATES OF AMERICA,	8:05CR433					
	Plaintiff,	0.03CN433					
	vs.	DETENTION ORDER					
ΑN	ITONIO GUERRERO, JR.,						
	Defendant.						
A.	Order For Detention After the defendant waived a detention hea the Bail Reform Act, the Court orders the about pursuant to 18 U.S.C. § 3142(e) and (i).						
B.	The Court orders the defendant's detention because it finds: X By a preponderance of the evidence that no condition or combination of conditions will reasonably assure the appearance of the defendant as required. X By clear and convincing evidence that no condition or combination of conditions will reasonably assure the safety of any other person or the community.						
C.	to distribute methampheta crime and carries a maxim (b) The offense is a crime of variety. (c) The offense involves a nation wit: Methamphetamine (d) The offense involves a lar wit: Methamphetamine (2) The weight of the evidence again (3) The history and characteristics of (a) General Factors: The defendant appropriate may affect whether the defendant has not the defendant has not the defendant has not the defendant is community.	vices Report, and includes the following: offense charged:), 21:841(b)(1) Possession with intent imine & 21:853 forfeiture is a serious num penalty of 40 years imprisonment. Violence. recotic drug. ge amount of controlled substances, to institute the defendant is high.					

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				Past conduct of the defendant:		
			<u>X</u>	The defendant has a history relating to drug abuse. The defendant has a history relating to alcohol abuse.		
				The defendant has a significant prior criminal record.		
			X	The defendant has a prior record of failure to appear at		
		(h)	At the ti	court proceedings.		
		(b)	At the th	me of the current arrest, the defendant was on:		
				Probation		
				Parole		
				Release pending trial, sentence, appeal or completion of sentence.		
		(c)	Other Fa			
				The defendant is an illegal alien and is subject to deportation.		
				The defendant is a legal alien and will be subject to deportation if convicted.		
				The Bureau of Immigration and Customs Enforcement		
				(BICE) has placed a detainer with the U.S. Marshal.		
				Other:		
				<u> </u>		
	(4)	The nature and seriousness of the danger posed by the defendant's release are as follows:				
X	(5)	In det	ermining	that the defendant should be detained, the Court also		
				ollowing rebuttable presumption(s) contained in 18 U.S.C. the Court finds the defendant has not rebutted:		
	Χ	_		condition or combination of conditions will reasonably		
		(u)		the appearance of the defendant as required and the		
				f any other person and the community because the Court		
				at the crime involves:		
			IIIIUS IIIC	(1) A crime of violence; or		
				(2) An offense for which the maximum penalty is life		
			V	imprisonment or death; or		
			<u>X</u>	(3) A controlled substance violation which has a		
				maximum penalty of 10 years or more; or (4) A felony after the defendant had been convicted of		
				· ·		
				two or more prior offenses described in (1) through		
				(3) above, and the defendant has a prior conviction for one of the crimes mentioned in (1) through (2)		
				for one of the crimes mentioned in (1) through (3)		
				above which is less than five years old and which		
				was committed while the defendant was on pretrial release.		

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_X (b)	assure the appearance of the defendant as required and the safety of the community because the Court finds that there is probable cause to believe:				
	<u>X</u> (1)	That the defendant has committed a controlled			
		substance violation which has a maximum penalty of			
		10 years or more.			
	(2)	That the defendant has committed an offense under			
		18 U.S.C. § 924(c) (uses or carries a firearm during			
		and in relation to any crime of violence, including a			
		crime of violence, which provides for an enhanced			
		punishment if committed by the use of a deadly or			
		dangerous weapon or device).			

D. Additional Directives

Pursuant to 18 U.S.C. § 3142(i)(2)-(4), the Court directs that:

- The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable from persons awaiting or serving sentences or being held in custody pending appeal; and
- 2. The defendant be afforded reasonable opportunity for private consultation with counsel; and
- 3. That, on order of a court of the United States, or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED: January 9, 2006

BY THE COURT:

s/ F. A. Gossett United States Magistrate Judge